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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

STREAMLINING THE COMMISSION'S )  
RULES AND REGULATIONS FOR SATELLITE )  
APPLICATION AND LICENSING PROCEDURES )

IB Docket No. 95-117

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COMMENTS OF EDS CORPORATION

EDS Corporation ("EDS"), by its attorneys and pursuant to Section 1.415 of the Commission's rules, hereby files these comments in response to the Notice of Proposed Rulemaking ("NPRM") released August 11, 1995, in the above-captioned proceeding.

EDS is one of the world's leading providers of information technology service. Through its subsidiaries, EDS holds numerous earth station authorizations in the domestic and international fixed-satellite services, including authorizations for C-band and Ku-band "stand-alone" earth stations, temporary-fixed ("transportable") Ku-band earth stations, and very small aperture terminal ("VSAT") networks.

In this proceeding, the Commission proposes various changes to its Part 25 rules to streamline the application and license requirements for satellite space stations and earth stations. EDS commends the FCC's efforts to streamline its earth

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station licensing procedures by eliminating unneeded filing requirements and regulations. As discussed below, EDS supports the Commission's proposals and suggests additional changes to streamline the Commission's application and licensing requirements further.

**I. VSAT REQUIREMENTS**

The hallmark of the Commission's VSAT blanket license program is the flexibility it provides to the licensee to install thousands of small, technically identical remote antennas anywhere in the continental United States and/or to move these remote antennas to new locations without obtaining individual regulatory approvals. The VSAT blanket license is particularly useful for communications networks undergoing continued expansion, such as those required to serve new locations of a growing regional or national enterprise.

The Commission proposes to reduce its VSAT license requirements by eliminating (1) its current policy under which VSAT licenses must install all of their authorized remote earth stations within the first four years of the ten-year license term or annually seek formal Commission authorization to continue installations and (2) the requirement that VSAT licensees report annually to the Commission the number of remote VSAT stations actually installed. NPRM at paras. 19-20.

As a VSAT licensee, EDS strongly supports both proposals. Adoption of the proposals will advance the

Commission's goals under the blanket license program to reduce substantially the administrative costs and regulatory delays that otherwise would be associated with large networks of technically identical earth stations.<sup>1/</sup> For example, rescinding the current obligation on licensees to submit an annual report on the number of VSATs actually installed will eliminate a burdensome filing requirement that serves no apparent regulatory purpose.

Moreover, elimination of the four-year construction deadline for remote VSATs will remove an unnecessary economic and procedural burden on VSAT licensees. As a VSAT licensee, EDS needs to continue installing remote earth stations throughout its license term in order to meet its customers' changing, and usually expanding, service requirements. Under the Commission's current policy, however, if a VSAT licensee in Year 5 (or later) of its license term inadvertently fails to file a formal application to extend the construction deadline, that licensee must stop expanding and adding new locations to its satellite communications network until it obtains additional formal authorization from the Commission. Even if a licensee timely files an application to extend the construction deadline, it has been the Commission staff's practice to provide only a single year extension, thereby requiring the licensee to file six separate formal applications if it wants to continue installing

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<sup>1/</sup> See Routine Licensing of Large Networks of Small Antenna Earth Stations Operating in the 12/14 GHz Frequency Bands, April 9, 1986 (Mimeo 3588), 51 Fed. Reg. 15067, April 22, 1986, at para. 6.

new VSATs throughout its license term. The flexibility of a blanket VSAT network license should not be unreasonably restricted in this way.

In addition to adopting the proposals to eliminate the annual filing requirement and the four-year construction deadline, the Commission also should consider other ways to streamline the regulatory burdens on VSAT licenses. In particular, the Commission should consider eliminating or at least modifying VSAT license condition 2810 which routinely is imposed on VSAT licenses. VSAT license condition 2810 reads as follows:

The grantee shall maintain on file with the Commission a current list or plan of the precise frequencies in actual use at this station, specifying for each such frequency: the r.f. center frequency, polarization, emission designator, EIRP (dBW), EIRP density (dBW/4 kHz), and receiving earth station(s). This list or plan may be submitted either on a station-by-station basis or on a system-wide basis, and shall be updated within seven days of any changes in frequency usage at this station. Temporary usage of frequencies for periods of less than seven days need not be notified to the Commission if accurate station records are maintained of the times and particulars of such temporary frequency usage.

Literal compliance with this provision would require the filing with the Commission of numerous voluminous reports by each of the dozens of licensees holding VSAT authorization (for example, by requiring the licensee to list the hundreds or thousands of receiving earth stations associated with its particular VSAT network and updating any frequency changes within

seven days). In addition to the fact that Commission resources will be strained unnecessarily just by storing these voluminous reports, it is not at all clear that the data required to be filed by license condition 2810 actually is used by the Commission. The Commission, therefore, should consider eliminating license condition number 2810 or at least modifying it to require the filing with the Commission of only the data actually needed to fulfill specific regulatory purposes.

## **II. BANDWIDTH LIMITATIONS ON EARTH STATIONS**

EDS supports the Commission's proposal to eliminate the narrow bandwidth limitations for digital VSAT carriers and not adopt a bandwidth limitation for narrow or wide bandwidth digital carriers. Any bandwidth limitations on digital carriers that the Commission would establish today soon would become outmoded as digital technology continues to undergo rapid changes.

EDS does not support the proposal to apply existing power density limits for narrowband digital VSAT carriers to other narrow or wide bandwidth digital carriers. This proposal inappropriately would treat all wideband digital carriers as if they were outbound VSATs requiring mutual interference protection from VSAT return signals. Wideband digital broadcast video signals, however, do not require a return signal. Wideband digital carriers used for the one-way reproduction of a broadcast quality video signal should not be subject to restrictions designed to reduce interference on two-way VSAT networks.

### **III. MINOR MODIFICATIONS TO EARTH STATION AUTHORIZATIONS**

The Commission proposes to streamline the procedures by which earth station licensees may implement "minor" modifications to their facilities by eliminating the requirement for prior Commission authorization of the modification. The Commission would consider a modification "minor" if the modification does not involve: (a) an increase in EIRP or EIRP density; (b) an increase in transmitter power; (c) a change in coordinates for earth stations operating in C-band; (d) a change in coordinates of 10 seconds or greater for stations operating in Ku-band; or (e) a change or addition to antenna facilities. NPRM at para. 23.

EDS supports the Commission's proposal to eliminate the requirement for prior Commission authorization of minor modifications. The Commission should clarify, however, what constitutes a "major" change in antenna facilities under subsection (e) above. Assuming that a change does not result in the modification of the EIRP, EIRP density or transmitter power, a licensee's substitution of an antenna manufacturer or antenna model number different than that initially licensed should not be considered "a change . . . to antenna facilities" for which prior Commission authorization is required.<sup>2/</sup>

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<sup>2/</sup> The Commission also should clarify footnote 5 of the NPRM that implies under subsection (a) that routine requests for special temporary authority (STA) for domestic earth station facilities will be granted only after being placed on public notice. Today, applications for earth station STAs generally are  
(continued...)

#### IV. NEW APPLICATION FORM

The Commission proposes to adopt a new multi-part application Form 312, consisting of a main form and additional schedules, to be used in place of the current FCC Form 430 (Licensee Qualification Report), 493 (Application for Earth Station Authorization), 702 (Application for Assignment), and 704 (Application for Transfer of Control). NPRM at para. 26. EDS supports the adoption of a new multi-part application form to the extent the new form eliminates duplicative or unnecessary information requests.

As it adopts proposed Form 312, however, the Commission should clarify several matters. The Commission should clarify:

- In the instructions for item number 20 whether the "fixed satellite" service refers to (1) a service using a geostationary satellite or (2) earth stations that are fixed in location. Similarly, the instructions should clarify whether the "mobile satellite" service refers to (1) a service using non-geostationary satellites or (2) a service using mobile earth stations;
- Under items 23(2) and 24(F) that not all "temporary-fixed" earth stations (that is, transportables) are satellite news gathering (SNG) stations;
- That item numbers 27 through 31 regarding alien ownership need be answered only by common carrier applicants because alien ownership restrictions do not apply to non-common carrier applicants;

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<sup>2/</sup> (...continued)

not placed on public notice prior to grant. In this proceeding intended to streamline existing satellite earth station procedures, the Commission should not add a new public notice requirement that will delay Commission grants of STA requests.

- That the information now required by FCC Form 430 need not be updated annually by non-common carrier earth station licensees after adoption of the new Form 312.<sup>3/</sup>

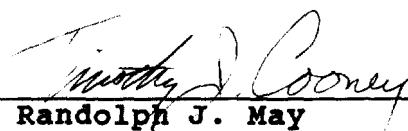
**V. CONCLUSION**

EDS applauds the Commission's efforts to streamline its earth station application and licensing procedures and urges the Commission to adopt the proposed changes with the clarifications and modifications suggested herein.

**Respectfully submitted**

**EDS Corporation**

By: \_\_\_\_\_

  
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**ITS ATTORNEYS**

**October 4, 1995**

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<sup>3/</sup> Compare FCC Public Notice Report No. DS-962, May 9, 1990 (requiring annual updates of FCC Form 430 by satellite earth station licensees in the event of any change in information since the submission of the most recent Form 430).